REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-11 and 13-28 remain in the application. Claims 5-11 and 13-28 are subject to examination and claims 1-4 have been withdrawn from examination. No claims have been amended, added or canceled herein.

In "Claim Rejections - 35 USC § 112", item 1 on page 2 of the above-identified Office Action, the claims 11, 13, 16 and 25-28 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that claim 11 is indefinite and inaccurate since it is not clear what is meant by the phrase "a plastically deformable and subsequently consolidatable first mass."

Firstly, it is noted that the above-quoted wording of claim 11 was present in that claim in its original form and was not stated as being indefinite and inaccurate in the Office action dated December 17, 2004.

Secondly, the above-quoted phrase is standard in the art and fully explained in the Specification of the instant

application and the prior art incorporated therein. The meaning of the phrase is that the mass itself has to be plastically deformed to form the honeycomb body.

The Examiner's attention is respectfully directed to page 5, line 9 to page 6, line 2 of the Specification of the instant application, wherein it is explained that a honeycomb body is produced from a plastically deformable and subsequently consolidatable first mass. It is also stated that the first mass is disposed in layers, predeterminably applied and consolidated. The phrase "plastically deformable and subsequently consolidatable first mass" is therefore understood to mean that the first mass is in such a state during production that it can be applied and thus plastically deformed. The mass has to be subsequently consolidated or solidified to form the honeycomb body.

The passage mentioned above on pages 5 and 6 of the Specification of the instant application incorporates U.S. Patent No. 5,714,103 to Bauer et al. by reference. For example, the Abstract of Bauer et al. calls for a process for the production of porous shaped articles having a predetermined pore structure by shaping a composition which can undergo **plastic deformation and then be solidified**, which

is characterized in that the shaped article is built up in the form of layers.

Thus, it is clear that the phrase "plastically deformable and subsequently consolidatable first mass" in claim 11 is not only clear but standard in the art.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

In "Claim Rejections - 35 USC § 102", item 2 on page 3 of the Office Action, claims 5, 8, 14-15 and 17-24 have been rejected as being fully anticipated by U.S. Patent No. 4,535,589 to Yoshida et al. (hereinafter Yoshida) under 35 U.S.C. § 102(b).

In item 3 on pages 3-4 of the Office Action, claims 11, 16 and 25-28 have been rejected as being fully anticipated by or obvious over Yoshida under 35 U.S.C. § 102(b) or 103(a).

In "Claim Rejections - 35 USC § 103", item 4 on page 4 of the Office Action, claims 6 and 7 have been rejected as being obvious over Yoshida in view of U.S. Patent No. 5,474,746 to Maus et al. (hereinafter Maus '746) under 35 U.S.C. § 103(a).

In item 5 on page 5 of the Office Action, claims 9 and 10 have been rejected as being obvious over Yoshida in view of U.S. Patent No. 5,130,208 to Maus et al. (hereinafter Maus '208) under 35 U.S.C. § 103(a).

In item 6 on page 5 of the Office Action, claim 13 has been rejected as being obvious over Yoshida in view of Maus '208 under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their previous form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 5 calls for, *inter alia*, a honeycomb body, comprising:

> ceramic walls formed of printed layers forming channels through which a fluid can flow, said channels lying next to one another; and
>
> at least one of at least one measuring sensor and an electrically conductive mass integrated into one of said ceramic walls.

Independent claim 8 calls for, *inter alia*, a honeycomb body, comprising:

at least partially ceramic walls formed of printed layers forming channels through which a fluid can flow, said channels lying next to one another; and

at least one of said walls having a structure for influencing a throughflow of the fluid.

Independent claim 11 calls for, *inter alia*, a honeycomb body, comprising:

channels through which a fluid can flow;

a plastically deformable and subsequently consolidatable first mass being predeterminably applied in printed layers and consolidated;

at least one second mass forming another printed layer along a section through the honeycomb body next to said first mass; and

said first mass having a property different from that of said second mass.

The Yoshida reference discloses an exhaust gas cleaning device for internal combustion engines, having a filter member 42 formed of a ceramic porous body 43a. Electrically conductive films 43j, 43k are "formed on both end surfaces of the porous body 43a by printing and firing metallic paste thereon" (column 3, line 68 to column 4, line 1 of Yoshida).

Thus, the Examiner's statement in items 2 and 3 of the Office action that Yoshida discloses "ceramic walls . . . formed of printed layers" is incorrect. The printed layers in Yoshida are not walls, but merely films on both end surfaces.

All that column 4, line 65 to column 5, line 2 of Yoshida teaches in this regard is the application of an electrically conductive film on the surface of a porous body. Consequently, Yoshida does not disclose that ceramic walls are formed by printed layers.

Apparently, the Examiner does not appreciate the difference between claiming **walls which are formed by printing** and merely adding an outer coating by printing. Building up a wall by printing cannot be compared to adding a simple coating.

Accordingly, the features of claims 5 and 8 calling for "ceramic walls formed of printed layers" and "at least partially ceramic walls formed of printed layers", respectively, are not anticipated by the Yoshida reference.

Furthermore, Yoshida deals with the production of an electrically heatable catalyst made of ceramic with metallic electrodes. Therefore, Yoshida does not provide any hint whatsoever as to how to obtain a honeycomb body having ceramic walls formed of printed layers forming channels through which a fluid can flow, the channels lying next to one another, and at least one of at least one measuring sensor and an electrically conductive mass integrated into

one of the ceramic walls, as recited in claim 5 of the instant application.

Nor does Yoshida teach or suggest a honeycomb body having at least partially ceramic walls formed of printed layers forming channels through which a fluid can flow, the channels lying next to one another, and at least one of the walls having a structure for influencing a throughflow of the fluid, as recited in claim 8 of the instant application.

Finally, Yoshida does not teach or suggest channels through which a fluid can flow, a plastically deformable and subsequently consolidatable first mass being predeterminably applied in printed layers and consolidated, at least one second mass forming another printed layer along a section through the honeycomb body next to the first mass, and the first mass having a property different from that of the second mass, as recited in claim 11 of the instant application.

There is no disclosure whatsoever in the Yoshida reference as to how to reconstruct the teaching of Yoshida such that a honeycomb body is constructed by using printed layers according to claims 5, 8 and 11. Consequently, the teaching of claims 5, 8 and 11 is novel and non-obvious as compared to

the teaching of Yoshida.

Clearly, Yoshida does not show ceramic walls formed of printed layers, nor a plastically deformable and subsequently consolidatable first mass being predeterminably applied in printed layers and consolidated and at least one second mass forming another printed layer, as recited in claims 5, 8 and 11 of the instant application.

The secondary references do not make up for the deficiencies of Yoshida.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 5, 8 and 11. Claims 5, 8 and 11 are, therefore, believed to be patentable over the art.

The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 5, 8 or 11.

As mentioned above, rejoinder of claims 1-4, which contain the features of the product claims, has been requested. MPEP 821.04 states that "if applicant elects claims directed to

the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined".

In view of the foregoing, reconsideration and allowance of claims 5-11 and 13-28 and rejoinder of claims 1-4 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Laurence A. Greenberg (29,308)
LAG/bb

September 13, 2005
Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101